

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

# IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESAL PRICE LITIGATION

MDL NO. 1456

CIVIL ACTION NO. 01-CV-12257-PBS

Hon. Patti B. Saris

THIS DOCUMENT RELATES TO  
ALL ACTIONS

## DECLARATION OF LUCY FOWLER

I, Lucy Fowler, declare as follows:

1. I am an attorney with Foley Hoag LLP, counsel for Defendant AstraZeneca Pharmaceuticals LP in this action. I submit this declaration in support of AstraZeneca Pharmaceuticals LP's Counter Statement to Plaintiffs' Local Rule 56.1 Statement in Support of Plaintiffs' Motion for Partial Summary Judgment Against all Track 1 Defendants.

2. Several of the exhibits submitted in support of AstraZeneca's Counter Statement have been deemed "CONFIDENTIAL" and "HIGHLY CONFIDENTIAL" and are hereby Filed Under Seal.

3. Attached as Exhibits 1 through 23 hereto are true and correct copies of the following:

## EXHIBIT

**TAB**

Excerpts from the transcript of the depositions of John R. Freeberry (May 20, 2004) (Oct. 4, 2005) (HIGHLY CONFIDENTIAL) (Filed Under Seal.)

1

Excerpts from the transcript of the deposition of Christopher J. Iacono (June 9, 2005) (HIGHLY CONFIDENTIAL) (Filed Under Seal.)

2

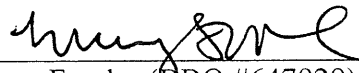
| <b><u>EXHIBIT</u></b>  | <b><u>TAB</u></b> |
|--|-------------------|
| Excerpts from the transcript of the deposition of Carol L. Ware (Oct. 25, 2005)<br>(HIGHLY CONFIDENTIAL) (Filed Under Seal.)       | 3                 |
| Excerpts from the transcript of the deposition of Sean D. Coakley (Oct. 25, 2005)<br>(HIGHLY CONFIDENTIAL) (Filed Under Seal.)     | 4                 |
| E-mail from John Freeberry to Joan McDevitt (August 9, 2000) (HIGHLY<br>CONFIDENTIAL) (Filed Under Seal.)                          | 5                 |
| Excerpts from the transcript of the deposition of Mark Reisenauer (Dec. 8, 2005)<br>(HIGHLY CONFIDENTIAL) (Filed Under Seal.)      | 6                 |
| Excerpts from the transcript of the deposition of Patricia K. Morgan (Jan. 11, 2005)<br>(HIGHLY CONFIDENTIAL) (Filed Under Seal.)  | 7                 |
| Excerpts from the transcript of the deposition of Greg Looney (May 12, 2005)<br>(HIGHLY CONFIDENTIAL) (Filed Under Seal.)          | 8                 |
| Excerpts from the transcript of the deposition of Steve Buckanavage (June 8, 2005)<br>(HIGHLY CONFIDENTIAL) (Filed Under Seal.)    | 9                 |
| Excerpts from the transcript of the deposition of Jeffrey L. Alverson (June 29,<br>2004) (HIGHLY CONFIDENTIAL) (Filed Under Seal.) | 10                |
| Excerpts from the deposition of Stephen W. Schondelmeyer (Oct. 14, 2004)<br>(HIGHLY CONFIDENTIAL) (Filed Under Seal.)              | 11                |
| Excerpts from the transcript of the deposition of James F. Liebman (Feb. 11, 2005)<br>(HIGHLY CONFIDENTIAL) (Filed Under Seal.)    | 12                |
| Excerpts from the transcript of the deposition of Dean McAlister (July 27, 2005)<br>(HIGHLY CONFIDENTIAL) (Filed Under Seal.)      | 13                |
| Excerpts from the transcript of the deposition of Robert C. Black (Aug. 30, 2005)<br>(HIGHLY CONFIDENTIAL) (Filed Under Seal.)     | 14                |
| Excerpts from the transcript of the deposition of Cynthia L. Davies (Nov. 9, 2005)<br>(HIGHLY CONFIDENTIAL) (Filed Under Seal.)    | 15                |
| Excerpts from the transcript of the deposition of Carol L. Ryan (Aug. 25, 2005)<br>(HIGHLY CONFIDENTIAL) (Filed Under Seal.)       | 16                |

**EXHIBIT**

**TAB**

|  |    |
|--|----|
| Excerpts from the transcript of the deposition of James O'Shea (Sept. 28, 2005)<br>(HIGHLY CONFIDENTIAL) (Filed Under Seal.)       | 17 |
| Excerpts from the transcript of the deposition of David R. Brennan (Feb. 14, 2006)<br>(HIGHLY CONFIDENTIAL) (Filed Under Seal.)    | 18 |
| Excerpts from the transcript of the deposition of Jennifer Judy (Oct. 11, 2005)<br>(HIGHLY CONFIDENTIAL) (Filed Under Seal.)       | 19 |
| Excerpts from the transcript of the deposition of Deborah Wilson (Oct. 11, 2005)<br>(HIGHLY CONFIDENTIAL) (Filed Under Seal.)      | 20 |
| Excerpts from the transcript of the deposition of Scott Robbins (Oct. 11, 2005)<br>(HIGHLY CONFIDENTIAL) (Filed Under Seal.)       | 21 |
| Excerpts from the transcript of the deposition of Susan Klein-Zignoli (Aug. 26,<br>2005) (HIGHLY CONFIDENTIAL) (Filed Under Seal.) | 22 |
| Excerpts from the Report of Independent Expert Ernst R. Berndt (Feb. 9, 2005.)   | 23 |

I declare under penalty of perjury that the foregoing is true and correct.

By:   
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Lucy Fowler (BBO #647929)  
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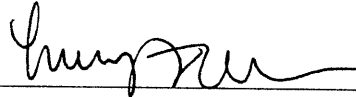
Dated: April 7, 2006

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing was delivered via Federal Express to counsel for plaintiffs on April 7, 2006:

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A handwritten signature in cursive script, likely reading "Jung Kim", is written over a horizontal line.